

AMENDED IN SENATE MAY 23, 2008

AMENDED IN SENATE APRIL 9, 2008

SENATE BILL

No. 1298

Introduced by Senators Simitian and Steinberg

February 20, 2008

An act to add Chapter 8 (commencing with Section 10800) to Part 7 of Division 1 of Title 1 of the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as amended, Simitian. California ~~Education Information~~. *education information*.

Under existing law, the State Department of Education maintains the California Education Information System for the purposes of establishing and maintaining a basic, integrated, statewide information system for education.

This bill would establish the Statewide Education Data Governing Board, to be composed of 19 members, as specified. The board would have the authority to establish a state education data repository and to integrate data from other state, federal, and local agencies with existing education data. The board would be required to adopt regulations to implement its authority to grant or deny access to the state education data repository. The bill would require the board to oversee the creation of a longitudinal education information system to link specified data, and would require the board, by January 1, 2010, *as its first goal*, to develop a strategic plan and feasibility study report for connecting longitudinal records from prekindergarten through higher education and into the workforce. The bill would require the board to perform various duties relating to the collection and preservation of education data and systems.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 8 (commencing with Section 10800) is
2 added to Part 7 of Division 1 of Title 1 of the Education Code, to
3 read:

4
5 CHAPTER 8. EDUCATION DATA AND INFORMATION ACT OF 2008
6

7 10800. This chapter shall be known and may be cited as the
8 Education Data and Information Act of 2008.

9 10801. The Legislature finds and declares all of the following:

10 (a) Several recent attempts to assiduously analyze and improve
11 the state of education in California, such as the “Getting Down to
12 Facts,” “Closing the Achievement Gap,” and “Students First”
13 reports, have concluded that the dearth of high-quality,
14 comprehensive, and longitudinal education data is significantly
15 impeding our capacity to assess, and therefore improve, education
16 policy and investment decisions.

17 (b) We suffer significant information scarcity in areas where
18 more and better data could help us address challenges such as the
19 achievement gap, the high school dropout problem, and workforce
20 and college preparation.

21 (c) In addition to addressing these targeted policy problems,
22 better education data systems are a necessary precondition for
23 continuous learning at the institutional level, which in California,
24 where the population is large and diverse, and education delivery
25 remains somewhat decentralized, is exceptionally difficult to
26 capture and manage.

27 (d) While an information system is only the foundation for a
28 continuous learning education system, it is an indispensable first
29 step, and is vitally important to the greater goal of securing truly
30 systemic solutions that couple smart reforms with the resources
31 our schools need.

32 (e) It is the intent of the Legislature that the design and
33 implementation of a high-quality, comprehensive, and longitudinal
34 education data system for California will do the following:

1 (1) Support a system of continuous learning by delivering timely,
2 reliable, user-friendly, and relevant information to school district
3 leaders, teachers, policymakers, researchers, parents, pupils, and
4 the public at large.

5 (2) Provide educators with the tools, reports, and assistance
6 needed to inform instruction and learning.

7 (3) Integrate education data from disparate sources, beginning
8 with our kindergarten and grades 1 to 12, inclusive, and higher
9 education systems, and add information from our prekindergarten
10 education systems when data is available.

11 (4) Anticipate and provide the technological capacity for the
12 integration of noneducation data from other state sources such as
13 health, welfare, juvenile justice, corrections, and employment, the
14 analysis of which may be necessary to fully understand critical
15 education policy and education finance questions.

16 (5) Remain flexible, adjusting to changing demands over time,
17 and respond to evolving uses and needs.

18 (6) Include adequate support and funding.

19 (f) It is further the intent of the Legislature to ensure that the
20 following priorities will be addressed:

21 (1) A formal governance and oversight structure that seamlessly
22 connects disparate sources of information while ensuring
23 accessibility, information security, and individual privacy.

24 (2) A system that treats personally identifiable information as
25 confidential, and meets all requirements pertaining to
26 confidentiality and restricted release without creating unnecessary
27 barriers.

28 10802. (a) There is hereby created in the state government the
29 Statewide Education Data Governing Board.

30 (b) The board shall be composed of 19 members as follows:

31 (1) The Governor shall appoint 10 members, one of whom shall
32 be the State Chief Information Officer.

33 (2) The Speaker of the Assembly shall appoint four members.

34 (3) The Senate Committee on Rules shall appoint four members.

35 (4) The Superintendent shall be a member of the board.

36 (c) Appointing authorities shall work together to ensure that the
37 appointments reflect a broad representation of education data
38 stakeholders.

39 (d) The Governor shall designate the State Chief Information
40 Officer or another member to serve as chairperson for a two-year

1 term. No member, other than the State Chief Information Officer,
2 may serve more than two, two-year terms as chairperson. All
3 appointments shall be for four-year terms. No member shall serve
4 more than two, four-year terms.

5 10803. As used in this chapter, the following definitions apply:

6 (a) “Board” means the Statewide Education Data Governing
7 Board.

8 (b) “Education data” means pupil-level information from early
9 education through higher education; information on staff, facilities,
10 and expenditures; and program information for special education,
11 career and technical education, and adult education.

12 10804. (a) The board shall meet at least once every two
13 months, or more often, if necessary, to fulfill its duties, and shall
14 not convene on days that conflict with regularly scheduled meetings
15 of the State Board of Education.

16 (b) Meetings of the board are subject to the Bagley-Keene Open
17 Meeting Act (Article 9 (commencing with Section 11120) of
18 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
19 Code).

20 10805. The board has the following powers:

21 (a) Authority to establish a state education data repository as
22 the functional entity necessary to carry out the duties and
23 responsibilities of the board.

24 (b) Authority to expend funds, hire staff, enter into contracts,
25 sue and be sued, and issue regulations in furtherance of its duties.

26 (c) Authority to grant or deny access to the state education data
27 repository. The board shall adopt regulations for purposes of
28 implementing the authority conferred upon it by this subdivision.

29 (d) Although local educational agencies shall have unfettered
30 access to their own data housed in a state education data repository,
31 the board has the authority to identify and authorize the names or
32 positions of local educational agency personnel who may have
33 access to education data from other local educational agencies for
34 specified purposes and in accordance with the board’s security
35 protocols, such as a guidance counselor who needs a pupil’s
36 academic record in order to facilitate a pupil transfer.

37 (e) Authority to request information or data sets from other
38 state, federal, and local agencies, and to integrate that data with
39 the existing education data, as specified and limited by state law.

1 10806. The board has the following duties and responsibilities,
2 with the board's primary emphasis being placed on creating a
3 system and processes to improve policy decisions and provide the
4 state, school districts, schools, and teachers with the information
5 and analysis they need to improve instruction and learning at their
6 respective points within the state education system:

7 (a) Oversee the creation of a high-quality, comprehensive, and
8 longitudinal education information system capable of linking
9 pupil-level data from early education through higher education
10 that can link pupil-level data with noneducation data sets as
11 provided by state law.

12 (1) By January 1, 2010, the board shall develop a strategic plan
13 and feasibility study report for connecting longitudinal records
14 from prekindergarten through higher education and into the
15 workforce.

16 (2) To ensure access to appropriate services and to be able to
17 better serve individual pupils, it is the intent of the Legislature that
18 school districts, schools, and teachers have immediate access to
19 longitudinal records for the pupils they serve.

20 (3) It is the intent of the Legislature that the board consult
21 regularly with teachers to obtain direct input on the information
22 and format teachers need from education data systems.

23 (b) Ensure that California's state education data systems provide
24 relevant and timely information about the performance of the
25 state's public schools and the efficacy of the education provided
26 to California pupils by doing at least the following:

27 (1) Periodic review of data items collected and opportunity for
28 public input about revision of items collected.

29 (2) Provide electronic public access to periodic data reports on
30 issues of concern to the public, including, but not limited to, pupil
31 achievement and graduation rates.

32 (3) Develop recommendations for reports that may be useful to
33 local educational agencies.

34 (c) Protect the privacy and security of information about
35 California residents that is included in state education data systems
36 by doing at least the following:

37 (1) Establish and periodically review the administrative and
38 technological procedures necessary to protect education data and
39 data systems from breach or misuse.

1 (2) Develop privacy and security guidelines for local educational
2 agencies to follow in the collection, management, and use of
3 education data.

4 (3) Conduct privacy impact assessments when recommending
5 the addition or deletion of data or fields in state education data
6 systems, or when combining information from education and other
7 data systems that is appropriate for the type and sensitivity of data
8 requested.

9 (4) Require researchers who request state education data to
10 document the steps they will take to secure the information that is
11 appropriate for the type and sensitivity of data requested, both
12 during and after the data use life.

13 (5) Provide an opt-out process to allow prior staff and pupils to
14 request that their individual records not be released.

15 (d) Protect the integrity, and ensure the quality of, state
16 education data by doing at least the following:

17 (1) Provide counsel and technical assistance to local educational
18 agencies on the technological standards and protocols necessary
19 for interfacing with state education data systems.

20 (2) Educate vendors to maximize their ability to provide
21 seamless solutions that maximize the value of the state system to
22 local schools and school districts.

23 (3) Provide a clearinghouse for best practices in the use of data
24 by local educational agencies.

25 (4) Periodically audit data in state education data systems to
26 ensure accuracy.

27 (e) Provide information on data requests and research resulting
28 from data accessed to the public, local educational agencies, and
29 state policymakers through routine and specialized reports.

30 (f) Ensure transparency and accountability in the board's
31 decisionmaking processes, and include the public in those
32 processes.

33 (g) Recommend to state lawmakers common definitions and
34 formats, as well as the addition or removal of data sets or fields
35 from state education data systems.

36 (h) Ensure proper functioning and efficacy of state education
37 data systems by recommending necessary statutory, regulatory,
38 and operational changes to the Legislature and the Governor.

39 *10807. The first goal of the board shall be to conduct activities*
40 *related to the creation of the strategic plan and feasibility study*

1 *report pursuant to paragraph (1) of subdivision (a) of Section*
2 *10806. Funds for other duties and responsibilities shall be*
3 *contingent upon completion of the strategic plan and feasibility*
4 *study report.*

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